

08 NOV 2001

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 452010-2370
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known see 37 C.F.R. 1.5) 10/009214
INTERNATIONAL APPLICATION NO. PCT/IB01/00313	INTERNATIONAL FILING DATE 7 MARCH 2001	PRIORITY DATE CLAIMED 10 MARCH 2000	
TITLE OF INVENTION IMPLANT INCLUDING A BODY OF NON-RESORBABLE BIOACTIVE MATERIAL			
APPLICANT(S) FOR DO/EO/US Paul Wilhelm RICHTER, Michael Edward THOMAS			
<p>Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31). <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> A English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 35 U.S.C. 1.821 - 1.825. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information: 1 sheet of drawings 			
<p align="right">EXPRESS MAIL</p> <p>Mailing Label Number EV001583991US</p> <p>Date of Deposit: November 8, 2001</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service</p> <p>"Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents and Trademarks, Box PCT Washington, DC 20231</p> <p align="right"><i>Edward Hay</i> (Typed or printed name of person mailing paper or fee)</p> <p align="right"><i>Edward Hay</i> (Signature of person mailing paper or fee)</p>			

1009214-00001

U.S. APPLICATION NO. (If known) 10/009214 (37 CFR 1.50)	INTERNATIONAL APPLICATION NO. PCT/IB01/00313	ATTORNEY'S DOCKET NO. 452010-2370
---	---	--------------------------------------

21. <input checked="" type="checkbox"/> The following fees are submitted	CALCULATIONS PTO USE ONLY																																									
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1040 00 International preliminary examination fee (37 C F R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$890 00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$740.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100 00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">ENTER APPROPRIATE BASIC FEE AMOUNT =</td> <td style="width:50%; text-align: right;">\$ 890.00</td> </tr> <tr> <td>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).</td> <td style="text-align: right;">\$</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;">\$</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td style="text-align: center;">24 - 20 =</td> <td style="text-align: center;">4</td> <td>x \$18.00</td> <td style="text-align: right;">\$ 72.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">2 - 3 =</td> <td style="text-align: center;">0</td> <td>x \$84.00</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: right;">+ \$280.00</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: right;">\$ 962.00</td> </tr> </tbody> </table> <p><input type="checkbox"/> Applicant claims small entity status See 37 C.F.R. 1.27. The fees indicated above are reduced by 1/2. +</p> <p style="text-align: right;">SUBTOTAL = \$</p> <p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). \$</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">TOTAL NATIONAL FEE =</td> <td style="width:50%; text-align: right;">\$ 962.00</td> </tr> <tr> <td>Fee for recording the enclosed assignments (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> <td style="text-align: right;">\$ 40.00</td> </tr> <tr> <td>TOTAL FEES ENCLOSED =</td> <td style="text-align: right;">\$ 1,002.00</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;">Amount to be refunded:</td> <td style="width:10%; text-align: center;">\$</td> </tr> <tr> <td></td> <td>Charged:</td> <td style="text-align: center;">\$</td> </tr> </table>	ENTER APPROPRIATE BASIC FEE AMOUNT =	\$ 890.00	Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total Claims	24 - 20 =	4	x \$18.00	\$ 72.00	Independent Claims	2 - 3 =	0	x \$84.00	\$ 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00	TOTAL OF ABOVE CALCULATIONS =				\$ 962.00	TOTAL NATIONAL FEE =	\$ 962.00	Fee for recording the enclosed assignments (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$ 40.00	TOTAL FEES ENCLOSED =	\$ 1,002.00		Amount to be refunded:	\$		Charged:	\$
ENTER APPROPRIATE BASIC FEE AMOUNT =	\$ 890.00																																									
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																																									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																																						
Total Claims	24 - 20 =	4	x \$18.00	\$ 72.00																																						
Independent Claims	2 - 3 =	0	x \$84.00	\$ 0.00																																						
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00																																						
TOTAL OF ABOVE CALCULATIONS =				\$ 962.00																																						
TOTAL NATIONAL FEE =	\$ 962.00																																									
Fee for recording the enclosed assignments (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$ 40.00																																									
TOTAL FEES ENCLOSED =	\$ 1,002.00																																									
	Amount to be refunded:	\$																																								
	Charged:	\$																																								
a. <input checked="" type="checkbox"/> Two checks in the amount of \$1,002.00 to cover the above fees are enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0320 . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																										

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

WILLIAM S. FROMMER, ESQ.
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NEW YORK 10151

SIGNATURE

 WILLIAM S. FROMMER
 NAME

 25,506
 REGISTRATION NUMBER

Dated: November 8, 2001

10009214-1